

## **Exhibit P**

**To the Declaration of Benjamin Kleinman  
In Support of Kelora's Opposition to  
Defendants' Claim Construction Brief  
and Motion for Summary Judgment of  
Invalidity and Non-Infringement**

Danish, Sherif Vol. 02 1/21/2009 10:50:00 AM

1 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

2 MARSHALL DIVISION

3 )  
PARTSRIVER, INC., )

4 Plaintiff,, )

)

5 v. )

) CASE NO. 2-07-CV-440 DF

6 SHOPZILLA, INC., YAHOO! )

INC.; PRICEGRABBER.COM, )

7 INC.; EBAY, INC.; and )

MICROSOFT CORPORATION, )

8 Defendants. )

9

10 \*\*\*\*\*

11 ORAL AND VIDEOTAPED DEPOSITION OF

12 SHERIF DANISH

13 VOLUME 2

14 JANUARY 21, 2009

15 \*\*\*\*\*

16 ORAL AND VIDEOTAPED DEPOSITION OF SHERIF DANISH,

17 produced as a witness at the instance of the DEFENDANTS,

18 and duly sworn, was taken in the above-styled and

19 numbered cause on the 21st day of January, 2009, from

20 9:39 a.m. to 4:49 p.m., before Julie C. Brandt, RMR,

21 CRR, and CSR in and for the State of Texas, reported by

22 machine shorthand, at the offices of Fulbright &

23 Jaworski, 2200 Ross Avenue, Suite 2800, Dallas, Texas,

24 pursuant to the Federal Rules of Civil Procedure and the

25 provisions stated on the record or attached hereto.

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VIDEOGRAPHER:

20 Gary Bentley, CLVS  
21 Merrill Legal Solutions  
22  
23  
24  
25

1 Texas, or you can't say?

2 A. No, I can't say, and it could be even in New  
3 York.

4 Q. Okay. How about reading said data file?

5 A. Reading the data file would be performed by  
6 the web server.

7 Q. Okay. So in this instance, that would be  
8 California?

9 A. If the web server is in California.

10 Q. Okay. Displaying a feature screen indicating  
11 said alternatives represented in the family. First of  
12 all, what does that mean?

13 A. It means displaying the attribute values that  
14 are available in this family for each attribute.

15 Q. Okay. And where -- if -- again, going back to  
16 our example where the user is in Texas and the web  
17 servers are in California, where does step 1 C occur?

18 A. The decision of displaying a feature screen is  
19 made by the web server and is sent to the browser of the  
20 user, which interprets it and displays it.

21 Q. So where is the display -- where is the step 1  
22 C performed? In Texas or in California?

23 A. I would say in both, based on the description  
24 that I just said.

25 Q. Who does the displaying in step 1 C?

1 A. The server determines what are the features,  
2 as it says here, in step C, the further -- the server  
3 decides what is the feature screen that indicate the  
4 alternatives of the family and sends them to the  
5 browser, and the browser interprets this message and  
6 displays it to the user.

7 Q. But step 1 C says, displaying a feature  
8 screen. So does the server or the user display the  
9 feature screen?

10 MR. BALDWIN: Object to form.

11 A. If you look, I did not get into the source  
12 code of our implementation, for example, but I would --  
13 I would say that if a developer is writing the code for  
14 the web server regarding reading the database and  
15 searching it and so forth and displaying results, a  
16 comment would certainly say display the feature screen,  
17 for example. So that's why I'm saying it is a function  
18 of the server to determine what is this feature screen  
19 and send it to the browser, and the browser will  
20 interpret it and visualize it for the user.

21 Q. Is it your position then that it takes more  
22 than one person to satisfy step 1 C; it takes a server  
23 and the user?

24 A. Not more than one person, but more than one  
25 function. One function on the server to determine what

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10

11 REPORTER'S CERTIFICATION

12 DEPOSITION OF SHERIF DANISH, VOLUME 2

13 JANUARY 21, 2009

14

15 I, Julie C. Brandt, Certified Shorthand Reporter in

16 and for the State of Texas, hereby certify to the

17 following:

18 That the witness, SHERIF DANISH, was duly sworn by

19 the officer and that the transcript of the oral

20 deposition is a true record of the testimony given by

21 the witness;

22 That the deposition transcript was submitted on

23 \_\_\_\_\_ to the witness or to the attorney

24 for the witness for examination, signature and return to

25 Merrill Legal Solutions by \_\_\_\_\_;

1 That the amount of time used by each party at the  
2 deposition is as follows:

3 MR. ZEMBEK.....00 HOUR(S):46 MINUTE(S)  
4 MR. CEDEROTH.....02 HOUR(S):31 MINUTE(S)  
5 MR. TOMASULO.....01 HOUR(S):36 MINUTE(S)  
6 MS. DeRIEUX.....00 HOUR(S):00 MINUTE(S)  
7 MR. BALDWIN.....00 HOUR(S):00 MINUTE(S)

8 That pursuant to information given to the  
9 deposition officer at the time said testimony was taken,  
10 the following includes counsel for all parties of  
11 record:

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5 That \$\_\_\_\_\_ is the deposition officer's  
6 charges to the Defendant Yahoo! Inc. for preparing the  
7 original deposition transcript and any copies of  
8 exhibits;

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties or  
11 attorneys in the action in which this proceeding was  
12 taken, and further that I am not financially or  
13 otherwise interested in the outcome of the action.

14 Certified to by me \_\_\_\_\_, 2009.

15

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\_\_\_\_\_  
Julie C. Brandt, CSR, RMR, CRR

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